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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,130	07/13/2001	Philippe Gentric	FR 000075	3857
24737	7590	10/06/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			CHEA, PHILIP J	
P.O. BOX 3001			ART UNIT	
BRIARCLIFF MANOR, NY 10510			PAPER NUMBER	
2153				
DATE MAILED: 10/06/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/905,130	GENTRIC, PHILIPPE	
	Examiner	Art Unit	
	Philip J. Chea	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 July 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/15/02</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-4 have been examined.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 2/15/02 was filed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

3. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

Specification

Content of Specification

- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."

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- (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

4. The disclosure is objected to because of the following informalities: The specification is missing the headings for the separate sections above.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims 1,2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. Claim 1 recites the limitation "the bitstream" in line 1. There is insufficient antecedent basis for this limitation in the claim.

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8. Claim 1 recites the limitation "the output encoded content" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 1 recites the limitation "the so-called .mp4 file format" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 1 recites the limitation "the transport mechanism" in line 3. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 1 recites the limitation "the transmission packets" in line 5. There is insufficient antecedent basis for this limitation in the claim.

12. Claim 1 recites the limitation "the MPEG-4 data entities (or Access Units)" in line 7. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 1 recites the limitation "said packets" in line 8. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 1, in lines 6 and 7, the phrase "indicating how to fragment the MPEG-4 data entities (or Access Units)" renders the claim indefinite because it is unclear if the fragmentation is directed to MPEG-4 data entities or specifically Access Units.

15. Claim 2 recites the limitation "the so-called .mp4 file format" in line 8. There is insufficient antecedent basis for this limitation in the claim.

16. Claim 2, in line 4, the phrase "indicating how to fragment the MPEG-4 data entities (or Access Units)" renders the claim indefinite because it is unclear if the fragmentation is directed to MPEG-4 data entities or specifically Access Units.

Claim Rejections - 35 USC § 101

17. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 2 and 3 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claim raises a question as to whether the claim is

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directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claim 2 is directed towards a coded signal sent by means of a transmission network. This coded signal is not considered tangible and is therefore non-statutory subject matter.

Claim 3 is directed towards an MPEG-4 terminal. However, the bulk of the claim is directed toward a file per se (data structure), and is therefore considered non-statutory subject matter.

Claim Rejections - 35 USC § 102

18. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

19. Claim 2 is rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's admitted Prior Art.

The Applicant discloses a coded signal available at the output of an MPEG-4 encoder in the form of a bitstream to be sent by means of a transmission network and including on one side media data, stored in the so-called .mp4 file format, and on the other side a pre-segmentation information indicating how to fragment the MPEG-4 data entities (or Access Units) corresponding to said media data in order to match the size of the packets of said transmission network (see Applicant's Specification page 2, lines 6-13).

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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21. Claims 1,3,4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted Prior Art, and further in view of Jones (WO 99/37072).

As per claim 1, the Applicant's Prior Art discloses an MPEG-4 encoder in which the bitstream corresponding to the output encoded content to be sent by means of a transmission network is stored in the so-called .mp4 file format as media tracks and the transport mechanism is stored in said file by adding specific hint tracks, one per media track (see Applicant's Specification page 1, lines 21-28), said hint tracks being used to include, for the adaptation of said encoded content to the size of the transmission packets corresponding to a given type of network, a pre-segmentation information indicating how to fragment the MPEG-4 data entities (or Access Units) stored in the media tracks in order to match the size of said packets (see Applicant's Specification page 2, lines 6-13), said encoder being such that the fragmentation information, structuring the coded bitstream in entities that are now independent in order to recover some context even if a packet is lost (see Applicant's Specification page 2, lines 21-24).

Although the system disclosed by the Prior Art shows substantial features of the claimed invention (discussed above), it fails to disclose that the fragmentation information is stored during encoding in a fragment structure file which is independent of said .mp4 file.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by the Applicant, as evidenced by Jones.

In an analogous art, Jones discloses a system for processing media data transmitted in a data communication medium (see Abstract). Jones additionally shows that fragmentation information is stored during encoding in a fragment structure file which is independent of said .mp4 file (see page 30, lines 14-17 and page 30, lines 22-26 to page 31, lines 1-3).

Given the teaching of Jones, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying the Applicant's admitted Prior Art by storing fragmentation information during encoding in a fragment structure file, such as disclosed by Jones, in order to keep the amount of information (i.e. the hint data) stored in each packet to a minimum.

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As per claim 3, Applicant's admitted Prior Art in view of Jones further disclose an MPEG-4 terminal, receiving a file structure having the following syntax:

-Loop on MPEG-4 Access Units until end-of-file, and, for each Access Unit:

-Read the number of fragments N

-Loop on fragments until N, and, for each fragment:

-Read the fragment size (in bits)

-End-of-loop on fragments

-End-of-loop on Access Units (see Jones page 34, lines 6-9, where these steps are implied, if not inherent, for a receiving system to accept the entire stream of data).

As per claim 4, Applicant's admitted Prior Art in view of Jones further disclose a hinter program for generating with the .mp4 file a new .mp4 file containing optimal hit tracks, said hinted file being then used by the terminal according to the concerned application (see Jones page 24, lines 1-11).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 7:00-4:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Philip J Chea
Examiner
Art Unit 2153

PJC 9/26/05



KRISNA LIM
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read "KJC". Below the signature, the name "KRISNA LIM" is printed in a bold, sans-serif font, followed by "PRIMARY EXAMINER" in a smaller, all-caps sans-serif font.